



**STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
POLICY DIRECTIVE**

Policy No. DOC 1.8.3	Subject: OFFENDER ACCOUNTABILITY LETTERS
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Section 8: Victim Services	Effective Date: Sept. 18, 2008
Signature: /s/ Mike Ferriter, Director	Revised:

I. POLICY

The Department of Corrections offers a structured accountability letter writing process facilitated by treatment and victim services staff to provide adult offenders with the opportunity to express remorse and personal responsibility to the victims of their crimes.

II. APPLICABILITY

Adult offenders in Department custody or under Department supervision.

III. DEFINITIONS

Administrator – The official responsible for the division, facility, or program operation and management.

Accountability Letter – A letter voluntarily written by an offender to the victim(s) of the crime for which the offender was sentenced. The letter will reflect responsibility for the crime and remorse for the harm caused to the victim(s), without excuses or requests for forgiveness or pardon.

Accountability Letter Bank – A confidential file in the Victim Information Specialist's office in which offender accountability letters are stored until victims request to receive them.

Restorative Justice – A criminal justice concept that focuses on offender accountability and healing for victims, families, communities, and offenders.

Victim – The person against whom a felony crime has been committed, or a family member of that person. Other individuals may be recognized as victims on a case-by-case basis.

Victim Information Officer (VIO) – A Department facility or program staff person who provides information and advocacy services for victims.

Victim Information Specialist (VIS) – A Department staff person in the Director's Office who manages Department victim programs, acts as staff liaison for the Crime Victims Advisory Council, provides victim information and referrals, and represents victim interests in all Department matters.

IV. DEPARTMENT DIRECTIVES

A. Program Goals

1. The offender accountability letter process reflects the Department mission by supporting victims of crime and promoting positive change in offender behavior.
2. The accountability letter process is a restorative justice program that allows offenders to

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demonstrate responsibility for their crimes and express remorse for the harm they have caused.

3. The Department provides a letter screening and delivery process that allows victims access to letters written by offenders who have taken responsibility for their crimes and expressed remorse for the harm they caused the victims.
4. Department divisions and facilities that participate in the process must comply with the requirements of this policy (see Section C).

B. Initial Criteria

1. Participation in the process is voluntary for offenders and will have no effect on their parole eligibility, release date, or conditions of supervision.
2. The VIS will maintain an Accountability Letter Bank in which offender accountability letters that meet guidelines for appropriateness will be stored until such time as the victims may request to receive the letters.
3. The victim will decide if she/he will receive an accountability letter and whether the Department will notify the offender that the victim received the letter. A victim's decision to receive a letter does not constitute an agreement to read or respond to the letter.
4. The Department will not accept a letter for deposit in the Accountability Letter Bank if the victim has obtained a legal order of protection against the offender.
5. The Department will not deliver an accountability letter to the victim if the sentencing order prohibits contact with the victim for whom the letter is intended.

C. Accountability Letter Requirements

Offender Role

1. Offenders may access information about the accountability letter process through libraries in Department facilities, or through caseworkers, treatment specialists, victim information officers or other staff. Information will include the Offender Accountability Letter Guidelines ([Attachment A](#)) and Offender's Request to Participate ([Attachment B](#)).
2. Offenders who wish to send accountability letters to their victims must participate in the offender accountability letter process. Unsolicited accountability letters sent to victims may violate no-contact orders.
3. Offenders who wish to participate in the process will write a letter to his/her victim(s) using the guidelines, and submit it to a designated letter screener at his/her facility or program. If the facility or program does not have a designated letter screener, the offender will submit the letter to his/her case manager, who will forward the letter to the Department VIS.
4. An offender's participation in the accountability letter process does not constitute permission for the offender to make additional contact with the victim.

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5. An offender may not submit a letter to the Accountability Letter Bank if he/she is the subject of a legal order of protection issued to the victim for whom the letter is intended.

Facility/Program Role

1. The Department encourages facilities and programs to designate a staff member(s) qualified to screen offender accountability letters to determine if they reflect sincere remorse for the harm they have caused, and responsibility for the crime, without blaming others or making excuses.
2. The Department encourages facilities and programs to establish treatment prerequisites for offender participation in the process.
3. The designated facility letter screener will review the draft letter, provide feedback to the offender, and suggest changes as many times as necessary.
4. Once the facility letter screener deems a letter appropriate, he/she will submit the letter to the VIS, with documents that describe the offender's crime(s).
5. The facility screener and/or VIS may determine that an offender has not achieved the level of responsibility and remorse required to write an appropriate accountability letter. The letter will be returned to the offender with an explanation of why the letter was not accepted for deposit in the Accountability Letter Bank.

Victim Information Specialist (VIS) Role

1. The VIS will review the accountability letters. If a letter is determined to be inappropriate, the VIS will return the letter to the facility letter screener with recommendations for further revisions.
2. Once the letter screener and VIS agree that the letter is appropriate, the offender will sign an original (not photocopied) letter for the victim and complete the Offender's Request to Participate ([Attachment B](#)).
3. The final letter(s) will be held in the Accountability Letter Bank in the VIS office in Helena.
4. When a letter is received by the VIS for deposit in the Accountability Letter Bank, the VIS, or designee, will attempt to notify the victim that the letter is available. The VIS will first determine if a sentencing order prohibits victim contact, so that the VIS can explain the victim's options for obtaining a modification of the court order.

Victim Role

1. Victims will access information about the offender accountability letter process through community victim advocates, the VIS and other Department staff, and the Department website.
2. If the sentencing order prohibits the offender from contacting the victim, that victim may receive a letter from the Accountability Letter Bank only if he/she obtains a modification of the order, signed by a judge and filed with the court.

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3. After the victim has confirmed his/her desire to receive a letter the offender has submitted to the Accountability Letter Bank, the VIS will mail the letter to the victim in a sealed envelope with contact information for local victim services.
4. If the victim chooses to respond to the letter and/or have further written contact with the offender, the victim is encouraged to make the initial contact with the offender through the VIS.
5. Requests from victims to receive accountability letters from offenders who have not submitted letters to the Accountability Letter Bank should be referred to the VIS. The VIS will then contact treatment staff on the victim's behalf to determine if the offender is interested in participating in the process.

V. CLOSING

Questions concerning this policy should be directed to the Department's Victim Information Specialist.

VI. REFERENCES

A. DOC Policies 1.1.1, Purpose, Mission, and Management Philosophy; 1.8.1, Victim Services

VII. ATTACHMENTS

Accountability Letter Guidelines
Offender's Request to Participate

(Attachment A)
(Attachment B)